

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2202.05
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: January 3, 2005
DATE OF REPORT: February 11, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 10, 2005

COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide required accommodations in geometry class (such as three-dimensional models);

511 IAC 7-27-7(a) by failing to implement the student's IEP as written, specifically by failing to provide the following assistive technology required by the IEP:

- a. Working laptop computer, with required programs installed;
- b. Talking software (Kurzweil) on both desktop and laptop computers;
- c. Desktop computer equipped with calculator(s).

FINDINGS OF FACT:

1. The Student has been identified as having a visual impairment and has been determined eligible for special education and related services.
2. The Student's IEP dated August 27, 2004, calls for three-dimensional models for geometry class, as well as materials from text publishers and assistive technology. The IEP Addendum of September 17, 2004, states that the Student will be allowed to use a scribe and to provide computer-generated answers for assignments, tests, and quizzes.
3. The School provided examples of the three-dimensional models and tactile graphics (geometric shapes with raised edges) provided to the Student for geometry class. Photographs of the Student's study room show these tools readily available, as well as a protractor, calculator, wooden slant board, printer, and scanner. Large-print books were ordered for geometry and other classes in July 2004, and were delivered to the School on September 30.
4. The Student had previously been in the Geometry Teacher's class for a few weeks (prior to the 2004-2005 school year), so the teacher was already acquainted with the Student's disability and need for accommodations. The teacher was also supplied with the Student's IEP and accommodations at the beginning of the year.
5. The TOR's Consultation Notes show that she provided information to and consulted with the Student's teachers from August 2004 through January 2005. The Geometry Teacher was given the Student's IEP, including accommodations, following the August 27, 2004, CCC meeting. The TOR discussed scanning, text insertion, and printing programs with the teacher on August 25, the

need for the Student to show all steps in math on September 10, and the use of a compact disc with math textbooks on October 1. Other consultations followed.

6. The Geometry Teacher stated that the Student did not utilize accommodations and manipulatives, even though they were offered and available.
7. The Student's instructional assistant acted as a scribe in geometry class. The Student was given the opportunity to complete assignments on the computer, but preferred to do so with a paper and pencil, dictating answers to the scribe.
8. The Student's IEP dated August 27, 2004, calls for the Student to have the use of a laptop computer and a desktop computer, as well as Kurzweil software on both computers and a calculator on the desktop computer.
9. The Student has the use of a desktop computer. An updated version of Microsoft Office XP Professional was installed on October 26, 2004, and an updated version of Kurzweil 3000 software was installed on December 17, 2004. For the laptop, the Kurzweil software was installed on October 4, 2004, and the Office XP was installed on August 14, 2003. However, a System Information report on the laptop shows that Kurzweil software was installed on it as early as August 2, 2004.
10. Kurzweil Educational Systems, the creator of the Kurzweil software, confirmed that the School has a license to use the software.
11. A calculator can be found on the desktop computer. Other calculators are available through software that is available to the Student, and a large-print calculator is available in the Student's study room.

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, #5, #6, and #7 indicate that the School did not fail to implement the Student's IEP as written, specifically by failing to provide required accommodations in geometry class. Therefore, no violation of 511 IAC 7-27-7(a) is found with respect to accommodations provided in geometry class.
2. Findings of Fact #8, #9, #10, and #11 indicate that the School did not fail to implement the Student's IEP as written, specifically by failing to provide a working laptop computer with required programs installed, Kurzweil software on both desktop and laptop computers, and a desktop computer equipped with a calculator. Therefore, no violation of 511 IAC 7-27-7(a) is found with respect to these accommodations.

The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.